



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/999,297	12/29/97	POOL	E 0090-001

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EXAMINER

AKERS, G

ART UNIT

PAPER NUMBER

2164

#18

DATE MAILED: 10/23/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/999,297

Applicant(s)

Pool et al

Examiner

Geoffrey Akers

Group Art Unit

2164



☒ Responsive to communication(s) filed on Dec 29, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-20 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

1. Claims 1-20 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 USC 103(a) as unpatentable over Schell(art of record) and further in view of Cahn(newly cited art).
4. As per claim 1, Schell teaches a catalog management software selection system that employs electronic data interchange(EDI) to connect various functions in the business system of Schell(page 147; col. 2; lines 45-50). The system of Schell contemplates international transactions(page 147; col 3; lines 15-40); selecting a currency(page 148; col 2 lines 15-20)(page 148; col 4; lines 25-35), and selecting products to be purchased and a destination for said products thereby triggering a calculation for all costs(bill to/ship to)(cols 3 & 4 of page 148). Schell also teaches automotive payment(page 4;col 4; lines 25-35) and the creation of an invoice(page 4;col 4; lines 35-55). Schell does not teach the triggering of an electronic funds transfer(EFT) authorization upon the purchase of a product. Schell does teach that even though

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its own system does handle credit card processing, the EDI function of Schell is "strong" and it is inferred that EFT would be possible (page 147; col 2; lines 45-50). Cahn teaches that in business systems implementing EDI, the use of EFT to transfer funds to a seller's account or financial institutions based on the buyer's authorization is old and well known. The advantages are increased cash flow, a reduction in float time, and an enhanced business relationship between customers and suppliers. The employment of an EFT system in Schell as claimed is obvious in view of Cahn for the advantages cited above.

Schell does not generate an electronic title (invoice) as claimed. Schell does teach the creation of an invoice (page 148; col 4). Cahn teaches using EDI to generate electronic invoices (electronic title) (Abstract, page 1; page 2). Cahn teaches the advantage of using electronic invoices to implement electronic title (electronic invoices) to include streamlining the effort involved in the tracking processes. The use of an electronic invoice has been endorsed by the US Customs Service (Cahn, page 2) since it reduces the amount of time required for a shipment to clear through the customs process. The generation of an electronic invoice (electronic title) per Schell in view of Cahn for the benefits described here is obvious. Therefore the electronic invoice would be the electronic title and would define ownership. In view of the Customs Service endorsement, this method facilitates payment of taxes and duties as claimed. The process described by Schell and Cahn is implemented by EDI. EDI is an inter-company computer-to-computer communications system. This is used to implement business transactions in a standard format. Claim 1 cites that the business steps are implemented on the Internet. The EDI systems

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described in Schell and Cahn are dated 1991 and 1992, respectively. Similar to EDI, the Internet is a collection of computers that are linked. It is the position of the examiner, that to take a series of business steps implemented by EDI and perform these identical business steps employing the Internet would be an obvious use of current technology.

With regard to claims 2-12, 19-20 the various business methods described in these claims are well known techniques and are considered obvious. With regard to claim 13, Schell discloses a software program(Business 400) for handling order entry, order processing,inventory management,accounting and reporting functions, all of which one of ordinary skill in theart would recognize as requiring access to a database and passing related information. Furthermore, in view of the complete set of import/export processing routines available in Business 400, one of ordinary skill in the art would have found it obvious that the import/export data could be routed electronically to the various points. With respect to claims 14-17, the business methods discussed in these claims are considered obvious and are well-known techniques.Claim 18 is obvious in view of Schell and further in view of Cahn for the above cited reasons. The signal stream per se, is created in the art of record.

6w Claim 18 is rejected under 35 USC 101 as being directed to ~~non~~^{man-}statutory subject matter. A signal or collection of signals that compose a stream per se is nonstatutory subject matter. Despite the fact that the signals in applicant's stream have physical existence, they are not of trangible structure. The signal stream per se of claim 18 is a stream that is not associated with a physical structure for transmission or reception. Thus, the signal stream addressed in Applicant's

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document has no physical structure. Claim 18 recites an assembly of signals that constitute a signal stream. The claim, as written, is interpreted to mean that the signals that constitute this stream do not necessarily require that they be in transit through a physical process as implemented in the interaction between a transmitter and a receiver. In this way, claim 18 is interpreted as directed to an abstract arrangement.

Claim 18 is rejected under 35 USC 112(second paragraph), as it describes a signal stream in isolation. A signal stream can only contain or comprise data or information. Paragraph (a) of the claim is found to be indefinite since this paragraph does not call for data or information but rather an article of manufacture- "goods subject to said transaction." It would appear that Applicant should be claiming information describing the goods of the transaction rather than "goods subject to said transaction."

Claim 18 is rejected under 35 USC 112(first paragraph) as being directed to new matter. This claim was not originally entered with the application, which was filed 12/12/97. This claim was filed on 5/5/99. The scope of this claim is directed to a signal stream per se. The specification is silent as to such a stream.

Conclusion

5. Examiner is applying new art and therefore this action is non-final.

Any questions regarding this communication should be directed to Dr. Geoffrey Akers, PE who can be reached at (703)-306-5844 between the hours of 6:30 and 5:00 PM Monday through Friday.

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Any official response to this action may be faxed to (703)-308-9051. If attempts to reach the examiner are unsuccessful the examiner's supervisor Vincent Millin, may be contacted at (703)-308-1065.

GRA



October 20, 2000


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SUPERVISORY PATENT EXAMINER
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2165